

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEMO ENDORSED

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BARBARA DELUCA, DREW R.)
NAYLOR, and PEGGY ROLLO, on)
behalf of themselves and other similarly)
situated limited partners,)

Plaintiffs,)

v.)

GPB HOLDINGS, LP, *et al.*,)

Defendants.)
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Case No.: 1:19-cv-10498-LAK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/5/2023

**PLAINTIFFS' NOTICE OF MOTION AND MOTION TO LIFT STAY AS TO THE
AUDITOR DEFENDANTS**

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Putative Class*

Dated: November 18, 2022

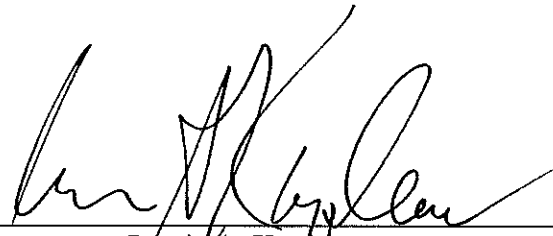
Memorandum Endorsement

DeLuca v GPB Automotive Portfolio, LLP, 19-10498 (LAK)

Plaintiffs' motion to terminate or lift the stay as to Defendants Crowe LLP, EisnerAmper LLP, Margolin, Winer & Evens LLP, RSM US LLP, and CohnReznick LLP (collectively, the "Auditor Defendants") [Dkt 151] is granted substantially for the reasons set forth in the plaintiffs' memorandum. The Auditor Defendants' arguments in opposition are unpersuasive. While there is overlap between this case generally and the criminal matter, the overlap is considerably less extensive as it relates to the claims against the Auditor Defendants than as it relates to the subjects of the criminal matter. Moreover, the claims against the Auditor Defendants involve issues that are uniquely or principally related to the Auditor Defendants. While it may be that the claims against the Auditor Defendants cannot be fully resolved without resolution of the claims against those involved in the criminal matter, the Court sees no reason why discovery and motion practice should not go forward while the stay remains in effect as to the other defendants. And if discovery is sought against the other defendants or other persons involved in the criminal matter and issues are raised as to whether that particular discovery should go forward notwithstanding the criminal matter, the Court can deal with any such matters when need arises.

SO ORDERED.

Dated: January 5, 2023

A handwritten signature in black ink, appearing to read "Lewis A. Kaplan", is written over a horizontal line.

Lewis A. Kaplan
United States District Judge